

## **REMARKS**

The Office Action mailed January 30, 2004 has been given careful consideration by the Applicants. Reexamination and reconsideration of the application is respectfully requested. Claims 1-33 remain in the application. Claim 1 has been amended to address informalities relating to proper antecedent basis.

### **The Office Action**

In the Office Action mailed January 30, 2004:

Independent claims 1, 14 and 27 and claims 2-3, 5-7, 11, 15-16, 18-20, 24, 28 and 31-32, dependent therefrom, were rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (US 6,115,744) in view of MacCormack (US 6,618,778); and,

Claims 4, 8-10, 12-13, 17, 21-23, 25-26, 29, 30 and 33 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. in view of MacCormack as applied to Claims 1, 14 and 27 and further in view of Official Notice.

### **The Claims Patentably Distinguish Over the Cited Patents**

As noted, the Examiner rejected the claims under 35 U.S.C. 103 as being unpatentable over Robins in view of MacCormack. Further, certain dependent claims were rejected by the Examiner based on the suggested combination of Robins and MacCormack and his Official Notice of certain aspects of technology. However, the cited patents do not render the claim obvious, either alone or in combination.

In this regard, the Examiner concedes that Robins fails to teach assignment of priority to a transaction and loading the transaction into a set of priority queues based on the priority assigned. In addition, Robins does not fairly teach the function or supporting structure for serializing, logging and routing a transaction flowing from said priority queues by a mapper. Robins et al. merely teaches, at col. 6, line 66-col. 7, line 49, the use of a gateway executor to facilitate data storage, log files, etc. The gateway executor (122) is connected to a target service (124). Again, there is no fair teaching of a mapper or priority queues, as disclosed and claimed.

MacCormack does not cure these deficiencies. Specifically, MacCormack

does not teach the use of priority queues or a mapper to serialize, log and route transactions flowing from the priority queues. MacCormack merely teaches the use of an arbiter arranged to assign an order of priority of a plurality of requests.

As such, the suggested combination of Robins and MacCormack does not render the present independent claims 1 and 14 obvious. A resulting combination would lack at least the use of priority queues and a mapper for serializing, logging and routing a transaction flowing from the queues.

Independent claims 1 and 14 include a recitation of language on these features. For example, claim 1 recites steps of selectively loading the transaction from the client interface into a set of priority queues based on a priority assigned and serializing, logging and routing the transaction flowing from said priority queues by a mapper. Claim 14 recites a plurality of priority queues operative to store a transaction and a mapper operative to serialize, log and route the transaction from the priority queues. Accordingly, these claims are not rendered obvious by the suggested combination.

The Examiner also rejected claim 27. The basis for the rejection is not entirely clear to applicants. However, the Examiner contends that it is primarily based on his rejection of claim 14. The Examiner's rejection of claim 14 is, in turn, based on his previous rejection of claim 1, inasmuch as the Examiner concludes that the underlying processes discussed by him could be readily included in an apparatus to perform those functions. However, claim 27 recites an adaptive interface having a communication interface operative to detect a connection request, communicate with a client server, route transaction to and from the client processes and communicate with the client interface to fetch and send data over client channel.

The Examiner's rejection does not address at least this claim element. Moreover, it is submitted that this claim element is not fairly taught by the cited patents in a manner that would render claim 27 obvious. In addition, neither of the cited patents expressly teaches a client interface, as disclosed and claimed. Therefore, claim 27 is not rendered obvious by the suggested combination.

The Examiner rejected the dependent claims based on the above combination and/or in view of Official Notice taken of certain technology. However, these claims all depend from independent claims 1, 14 or 27. Because these independent claims are submitted to be allowable, all claims dependent thereon are likewise submitted to be allowable.

Moreover, the applicants do not concede the Examiner's Official Notice. This is particularly true regarding dependent claims (i.e., claims 8, 9, 21, 22) that include steps and or apparatus limitations as applied to the mapper and priority queues noted above. It is submitted that the lack of these recited claim elements in the prior art is sufficient information to create a reasonable doubt regarding the circumstances justifying the Judicial Notice. Accordingly, the Examiner is respectfully requested to reconsider his position on Official Notice.

Likewise, claims 29, 30 and 33 relate to claimed features relating to the interface of independent claim 27. Because the Examiner has not established that all elements of claim 27 are shown in the cited art, the Examiner should reconsider his position on Official Notice. In addition, claims 10 and 23 relate to replay features.

The Examiner should reconsider his position on Official Notice with respect to these claims. In particular, the specification (at page 3, line 28 through page 4, line 1) states that the replay mechanism of the present invention is provided without the overhead and performance bottlenecks of traditional distributed transactions. The Examiner has not taken into account in his finding of Official Notice that replay features as implemented in the present application are improved over prior systems.

Therefore, it is submitted that the circumstances provide sufficient information to create a reasonable doubt regarding the circumstances justifying the Notice. Accordingly, the Examiner is respectfully requested to reconsider his position on Official Notice.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims in the application (Claims 1-33) are now in condition for allowance. Early notice of such allowance is respectfully requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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*July 28, 2004*  
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